

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 29 JUL 2005

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Applicant's or agent's file reference 15149-006WO1		<b>FOR FURTHER ACTION</b> See Form PCT/PEA/416	
International application No. PCT/US2004/018414		International filing date (day/month/year) 09.06.2004	Priority date (day/month/year) 11.06.2003
International Patent Classification (IPC) or national classification and IPC A61G5/02, B62K5/04, B62K21/00			
Applicant KUDHARA, INC. et al.			
<p>1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the International application</p>			
Date of submission of the demand 10.01.2005		Date of completion of this report 01.08.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Grunfeld, M Telephone No. +31 70 340- 2216 	

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2004/018414

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-28 as originally filed

**Claims, Numbers**

1-52 as originally filed

**Drawings, Sheets**

1/27-27/27 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
    - ☐ the description, pages
    - ☐ the claims, Nos.
    - ☐ the drawings, sheets/figs
    - ☐ the sequence listing (*specify*):
    - ☐ any table(s) related to sequence listing (*specify*):
  4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
    - ☐ the description, pages
    - ☐ the claims, Nos.
    - ☐ the drawings, sheets/figs
    - ☐ the sequence listing (*specify*):
    - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	5-10,17-21,24-28,30,36-39,41,43,45-51
	No: Claims	1-4,11-16,22,23,29,31-35,40,42,44,52
Inventive step (IS)	Yes: Claims	8,24-26,38,49-51
	No: Claims	1-7,9-23,27-37,39-48,52
Industrial applicability (IA)	Yes: Claims	1-52
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Re Item V.**

1. The following documents are referred to in this communication:  
D1 : US 5 028 064 A (JOHNSON JOHN W) 2 July 1991  
D2 : GB 110 639 A (HOUGH JAMES FRANCIS) 1 November 1917  
D3 : WO 98/21081 A (RAKO PROD LTD ; RADMALL PAUL (GB)) 22 May 1998  
D4 : DE 48 353 C (HEINS) 8 March 1889  
D5 : FR 2 657 318 A (LEPRETRE JOEL) 26 July 1991  
D6 : US 5 297 810 A (LUKYANOV SERGEI N) 29 March 1994  
D7 : US 4 572 535 A (LOFGREN MICHAEL S ET AL) 25 February 1986  
D8 : DE 87 11 302 U (TRASKA) 19 May 1988
2. Document D1 discloses (the references in parenthesis applying to this document):  
A human powered vehicle (51) comprising:  
a structural frame (52);  
two front wheels (53) mounted to fixed axles at a forward portion of the frame (52) for rotation;  
a seat (56) secured to the frame (52), the seat (56) positioned between the front wheels (53) and adapted to pivot about a seat pivot axis (22); and  
a steerable rear wheel (54) mounted to the frame (52) behind the seat (56) and defining a rear wheel kingpin axis (19), the rear wheel (54) operably linked to the seat (56) such that pivoting of the seat (56) about the seat pivot axis (22) causes pivoting the rear wheel (54) about the kingpin axis (19) to steer the vehicle.
  - 2.1 INDEPENDENT CLAIM 1  
As can be seen from the above, document D1 discloses in combination all the features defined in independent claim 1. Hence the subject-matter of this claim is not new (Article 33(2) PCT).
  - 2.2 Similarly, all the features of claim 1 are also disclosed by documents D2, D3 or D4.
3. DEPENDENT CLAIMS 2-7, 9-23, 27-37, 39-48, 52

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

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Dependent claims 2-7, 9-23, 27-37, 39-48, 52 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

**4. DEPENDENT CLAIMS 8, 24-26, 38, 49-51**

The combination of the features of dependent claims 8, 24-26, 38, 49-51 are neither known from, nor rendered obvious by, the available prior art.